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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,434	12/10/2003	Christoph Gouguenheim	200207237-1	2133
22879 7590 02/18/2009 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
OKEKE, EZUNNA				
ART UNIT		PAPER NUMBER		
2432				
NOTIFICATION DATE		DELIVERY MODE		
02/18/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/733,434

Applicant(s)

GOUQUENHEIM ET AL.

Examiner

IZUNNA OKEKE

Art Unit

2432

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 11/18/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 and 30-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-28 and 30-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Riddick et al. (US-20030046568)

a. Referring to claim 1, 11, 17, 19, 28 and 36:

Regarding claim 1 and similar claims 11, 17, 19, 28 and 36, Riddick teaches a secure token for use with an encrypted file and an insecure decryption device, the secure token comprising a processor for protecting a first cryptographic key against unauthorized access, and creating a second cryptographic key from the first key and a message unique to the insecure device, the second key usable for file decryption by the insecure device (Abstract and Para 49, 61 and 70-74 teaches a smart token for protecting the unique key (Media encryption key) and a second key encrypted using the public key or message (PDI, player digital ID unique to the player) of the player wherein the second key is used by the player to decrypt the content).

a. Referring to claim 2, 30 and 31:

Regarding claim 2 and similar claims 30 and 31, Riddick teaches the secure token of claim 1, wherein the secure token includes a smart card, the smart card including the processor (Para 61.... Smart token).

a. Referring to claim 3 and 20:

Regarding claim 3 and similar claim 20, Riddick teaches the secure token of claim 1, wherein the processor uses a hash function to create the second key from the message and the first key (Para 65.... Encrypting the first key and the PDI (player info) to create the second key).

a. Referring to claim 4, 12, 18, 21 and 33:

Regarding claim 4 and similar claims 12, 18, 21 and 33, Riddick teaches the secure token of claim 1, wherein the secure token performs an electronic transaction to obtain the first key (Para 61... Key transferred at purchase).

a. Referring to claim 5, 13 and 22:

Regarding claim 5 and similar claims 13 and 22, Riddick teaches the secure token of claim 4, wherein the secure token conducts a transaction with a server to purchase a desired file; and wherein the secure token receives the first key from the server (Para 61 and 67).

a. Referring to claim 6, 7, 14, 15, 23, 24 and 35:

Regarding claim 6 and similar claims 7, 14, 15, 23, 24 and 35, Riddick teaches the secure token of claim 4, wherein the secure token conducts a transaction with a peer to purchase a file; and wherein the secure token receives the first key from the peer (Para 82-83..... transaction (purchase or sell), smart token in peer player or device transfers key to smart token of a receiving player).

a. Referring to claim 8, 16 and 25:

Regarding claim 8 and similar claims 16 and 25, Riddick teaches the secure token of claim 7, wherein the secure token creates a third key that is unique to the peer, and sends the third key to the insecure device and the peer (Para 84).

a. Referring to claim 9:

Regarding claim 9, Riddick teaches the secure token of claim 1, further comprising means for receiving the first key and encrypted data, wherein the insecure device uses the second key to decrypt the encrypted data (Para 70-71.... Decrypting encrypted data).

a. Referring to claim 10 and 34:

Regarding claim 10 and similar claim 34, Riddick teaches the secure token of claim 1, wherein processing power of the secure token is significantly less than processing power of the insecure device (Para 70..... secure token (smart token) has less processing power than insecure device, (Player)).

a. Referring to claim 26:

Regarding claim 26, Riddick teaches an insecure decryption device for use with a secure device and a first cryptographic key, the device comprising:
means for sending a message to the secure device, the message unique to the insecure device;
means for receiving a second cryptographic key from the secure device, the second cryptographic key derived from the message and the first cryptographic key; and
means for performing decryption with the second cryptographic key (Para 70-75..... player is the insecure device and means for sending its PDI to the secure device (smart token), player receives a decryption key from the smart token used in decrypting media).

a. Referring to claim 27:

Regarding claim 27, Riddick teaches the device of claim 26, further comprising means for playing media decrypted with the second cryptographic key (Para 70).

a. Referring to claim 32: Regarding claim 32, Riddick teaches the system of claim 31, wherein the insecure device includes a media player (Para 70).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. O./
Examiner, Art Unit 2432

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2432